

109TH CONGRESS
1ST SESSION

H. R. 4538

To amend the Nuclear Waste Policy Act of 1982 to require commercial nuclear utilities to transfer spent nuclear fuel pools into spent nuclear fuel dry casks and convey to the Secretary of Energy title to all spent nuclear fuel thus safely stored.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2005

Mr. MATHESON (for himself, Ms. BERKLEY, Mr. GIBBONS, Mr. BISHOP of Utah, Mr. CANNON, and Mr. PORTER) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Nuclear Waste Policy Act of 1982 to require commercial nuclear utilities to transfer spent nuclear fuel pools into spent nuclear fuel dry casks and convey to the Secretary of Energy title to all spent nuclear fuel thus safely stored.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Spent Nuclear Fuel
5 On-Site Storage Security Act of 2005”.

1 **SEC. 2. DRY CASK STORAGE OF SPENT NUCLEAR FUEL.**

2 (a) IN GENERAL.—Title I of the Nuclear Waste Pol-
 3 icy Act of 1982 (42 U.S.C. 10121 et seq.) is amended
 4 by adding at the end the following:

5 **“Subtitle I—Dry Cask Storage of**
 6 **Spent Nuclear Fuel**

7 **“SEC. 185. DRY CASK STORAGE OF SPENT NUCLEAR FUEL.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) CONTRACTOR.—The term ‘contractor’
 10 means a person that holds a contract under section
 11 302(a).

12 “(2) SPENT NUCLEAR FUEL POOL.—The term
 13 ‘spent nuclear fuel pool’ means a water-filled con-
 14 tainer in which spent nuclear fuel rods are stored.

15 “(3) SPENT NUCLEAR FUEL DRY CASK.—The
 16 term ‘spent nuclear fuel dry cask’ means the con-
 17 tainer, and all the components and systems associ-
 18 ated with the container, in which spent nuclear fuel
 19 is stored at a Commission-licensed independent
 20 spent fuel storage facility located at the power reac-
 21 tor site. The design of any such spent nuclear fuel
 22 dry cask shall be approved by the Commission.

23 “(b) TRANSFER OF SPENT NUCLEAR FUEL.—

24 “(1) IN GENERAL.—A contractor shall transfer
 25 spent nuclear fuel from spent nuclear fuel pools to
 26 spent nuclear fuel dry casks at a Commission-li-

1 censed independent spent fuel storage facility located
2 at the power reactor site.

3 “(2) SPENT NUCLEAR FUEL STORED AS OF
4 DATE OF ENACTMENT.—A contractor shall complete
5 the transfer of all spent nuclear fuel that is stored
6 in spent nuclear fuel pools as of the date of enact-
7 ment of this subsection not later than 6 years after
8 the date of enactment of this subsection.

9 “(3) SPENT NUCLEAR FUEL STORED AFTER
10 DATE OF ENACTMENT.—A contractor shall complete
11 the transfer of any spent nuclear fuel that is stored
12 in a spent nuclear fuel pool after the date of enact-
13 ment of this subsection not later than 6 years after
14 the date on which the spent nuclear fuel is dis-
15 charged from the reactor.

16 “(4) INADEQUATE FUNDS.—If funds are not
17 available to complete a transfer under paragraph (2)
18 or (3), the contractor may apply to the Commission
19 to extend the deadline for the transfer to be com-
20 pleted.

21 “(c) FUNDING.—The Secretary shall make grants to
22 compensate a contractor for expenses incurred in carrying
23 out subsection (b), including costs associated with—

1 “(1) licensing and construction of an inde-
2 pendent spent fuel storage facility located at the
3 power reactor site;

4 “(2) construction and delivery of spent nuclear
5 fuel dry casks;

6 “(3) transfers of spent nuclear fuel;

7 “(4) documentation relating to the transfers;

8 “(5) security; and

9 “(6) hardening.

10 “(d) CONVEYANCE OF TITLE.—

11 “(1) DETERMINATION.—Not later than 30 days
12 after the transfer of spent nuclear fuel from a spent
13 nuclear fuel pool to a spent nuclear fuel dry cask,
14 the Commission shall determine whether the con-
15 tractor carried out the transfer in full compliance
16 with regulations promulgated by the Commission.

17 “(2) NONCOMPLIANCE.—If the Commission de-
18 termines that any technical standard or compliance
19 provision under the regulations was not complied
20 with, the Commission shall—

21 “(A) notify the contractor; and

22 “(B) take such actions as are necessary to
23 obtain full compliance.

1 “(3) CERTIFICATION AND CONVEYANCE OF
2 TITLE.—When the Commission determines that the
3 contractor has fully complied with the regulations—

4 “(A) the Commission shall certify that safe
5 transfer has been accomplished; and

6 “(B) the Secretary shall accept the convey-
7 ance of title to the spent nuclear fuel dry cask
8 (including the contents of the cask) from the
9 contractor.

10 “(4) RESPONSIBILITY.—A conveyance of title
11 under paragraph (3)(B) shall confer on the Sec-
12 retary full responsibility (including financial respon-
13 sibility) for the possession, stewardship, mainte-
14 nance, and monitoring of all spent nuclear fuel
15 transferred to the Secretary.”.

16 (b) FUNDING.—Section 302(d) of the Nuclear Waste
17 Policy Act of 1982 (42 U.S.C. 10222(d)) is amended—

18 (1) in paragraph (5), by striking “and” at the
19 end;

20 (2) in paragraph (6), by striking the period at
21 the end and inserting “; and”; and

22 (3) by adding at the end the following:

23 “(7) the provision of grants under section
24 185(d).”.

1 **SEC. 3. IMMEDIATE CONVEYANCE OF TITLE TO SPENT NU-**
2 **CLEAR FUEL PREVIOUSLY CERTIFIED TO BE**
3 **IN COMPLIANCE.**

4 Not later than 30 days after the date of enactment
5 of this Act, the Secretary of Energy shall accept the con-
6 veyance of title to all spent nuclear fuel with respect to
7 which, before the date of enactment of this Act, the Nu-
8 clear Regulatory Commission has certified that a con-
9 tractor under section 302 of the Nuclear Waste Policy Act
10 of 1982 (42 U.S.C. 10222) has completed transfer to
11 spent nuclear fuel dry casks in compliance with applicable
12 regulations in effect as of the date of transfer.

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